

AMENDMENT NO. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**AMEND Senate Bill No. 2735\***

**House Bill No. 2925**

<b>FILED</b>
Date _____
Time _____
Clerk _____
Comm. Amdt. _____
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by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Tennessee Code Annotated, Title 67, Chapter 8, is amended by adding the provisions of this act as a new part.

AND FURTHER AMEND by adding the following new item at the end of Section 1:

( ) "Underwrite" means to properly classify individuals who request insurance coverage and includes but is not limited to the acts of refusal to insure, refusal to continue to insure, limiting the amount, extent or kind of coverage, or charging a different rate for coverage.

AND FURTHER AMEND by deleting Section 2 in its entirety and substituting instead the following:

No insurer or health carrier may engage in an unfairly discriminatory act or practice as defined herein against a subject of abuse on the basis of that abuse status.

AND FURTHER AMEND by deleting the first two (2) sentences of Section 3(4) and substituting instead the following:

Disclosing or transferring any information, by a person employed by or contracting with a health carrier, relating to an applicant's or insured's abuse status or abuse-related medical condition, or the applicant's or insured's status as a family member, employer or associate of, or in a relationship with a subject of abuse, except (a) for purposes related to the provision of health care services, (b) for the purpose of administering claims,

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utilization review or case management or (c) where required by the commissioner or a court of competent jurisdiction.

AND FURTHER AMEND by deleting Section 4 in its entirety and substituting instead the following:

Underwriting in accordance with the standards set forth below shall be deemed not to be a violation of this act. Upon request of the commissioner, a health carrier or insurer of an individual or group policy that has taken an action that adversely affects a subject of abuse on the basis of an abuse-related medical condition must explain the reason for its action to the commissioner in writing and must be able to demonstrate that its action:

(1) Does not have the purpose or effect of treating abuse status as a medical condition or underwriting criterion;

(2) Is otherwise permissible by law and applies in the same manner and to the same extent to all applicants and insureds with a similar medical condition without regard to whether the condition or claim is abuse-related; and

(3) Is based on a determination, made in conformance with actual or reasonably anticipated actuarial experience.

AND FURTHER AMEND by deleting Section 5 in its entirety.

AND FURTHER AMEND by deleting the language "through means such as suspension or revocation of certificates of authority or licenses, imposition of civil penalties, imposition of injunctive relief, requiring restitution, referral to prosecutorial authorities or any combination of these. The powers and duties set forth in this section are in addition to all other authority of the

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commissioner.” from Section 6 and by substituting instead the language “pursuant to Sections 56-8-108 and 56-8-109”.

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